

all necessary buildings for the operation and prosecution of any manufacturing business upon the water power incidentally created by such improvement, and any such telegraph or telephone company organized under the provisions of this title may acquire right of way to construct its lines over, along and upon the right of way and lands of any railway company within this state, upon making just compensation therefor to such railway company, by proceeding as in this title provided; but the right of any such telegraph or telephone company shall be at all times subject to the right of any such railway company to use its right of way and lands for railway purposes, and the said line of telegraph or telephone shall be so located, constructed and maintained at all times as not to interfere with the usual operation of such railroad. *Provided*, that nothing herein contained shall be construed to grant to any person, persons, association or corporation any rights for the maintenance of a telephone system within the corporate limits of any city or village in this state until such person, persons, association or corporation shall have obtained the right to maintain a telephone system in such village or city, nor for a period beyond that for which the right to operate such telephone system is granted by such city or village."

Not to apply to right of way proceeding pending by telegraph or telephone company.

SEC. 2. This act shall not apply to or effect any proceeding now pending to condemn lands for right of way for any telegraph or telephone company.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 11, 1899.

H. F. No. 423.

CHAPTER 52.

City organization: amendment.

An act to amend section one thousand and forty-five (1045) of the General Statutes of eighteen hundred and ninety-four (1894), as amended by chapter sixty-one (61), of the General Laws of eighteen hundred and ninety-seven (1897), relating to the organization of cities.

Be it enacted by the Legislature of the State of Minnesota:

Sec. 1045 G. S. 1894 amended.

SECTION 1. That section one thousand and forty-five (1045) of the General Statutes of eighteen hundred and ninety-four (1894), as amended by chapter sixty-one (61), of the General Laws of eighteen hundred and ninety-seven (1897), be and the same is hereby amended so as to read as follows:

“Section one thousand and forty-five (1045). That cities may be organized within the limits of this state as herein provided, whenever two-thirds ($\frac{2}{3}$) of the legal voters residing within the limits of the territory comprising not less than one thousand (1,000) inhabitants and not more than fifteen thousand (15,000), whether all or part of such territory had been theretofore organized into a borough or village or not, and which territory they desire to have incorporated as a city, shall sign and have presented to the judge of probate of the county in which such territory is situated a petition setting forth the metes and bounds of said city, and of the several wards thereof, and praying that said city may be incorporated under such name as may therein be designated, the judge of probate shall issue an order declaring such territory duly incorporated as a city, and shall designate therein the metes, bounds, wards and name thereof, as in said petition described. And the said judge of probate shall in said order designate the time and place of holding the first election of officers for said city, which shall be not less than thirty (30) nor more than sixty (60) days from the presenting of said petition, and shall cause said order to be posted in five (5) of the most public places in said city, at least for thirty (30) days prior to the day of such election, and also cause the same to be published in some newspaper published in said city at least once in each week for three (3) consecutive weeks prior thereto, and if there be no newspaper published in said city, then in the paper published nearest thereto, and if there be more than one (1) newspaper published in said city, then in one (1) of such papers. Upon presenting the petition aforesaid to the judge of probate as aforesaid, the inhabitants within the metes and bounds therein described shall thenceforth be a body politic and corporate subject to and with power to act under the authority of all the provisions of this act.

Cities: how
and when
organized.

They shall have power to sue and be sued, complain and defend in any court; make and use a common seal, and alter it at pleasure; and take, hold and purchase, lease and convey such real and personal or mixed estate, as the purposes of the corporation may require, within or without the limits aforesaid; shall be capable of contracting and being contracted with; and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession.

Powers of.

And in case the territory included in any city which shall be hereafter formed and established under the provisions of this act shall include the territory embraced

When village
territory is
covered, vil-
lage to cease.

in any village or borough corporation, such village or borough corporation shall, upon the establishment of such city corporation, cease; and such city corporation shall thereupon succeed to and become vested with the owners of all the property, real, personal and mixed, which belonged to or was owned by such village or borough corporation at the time when the same ceased to exist; and such city corporation shall also thereupon become and be liable and responsible for all the debts, obligations and liabilities then existing against such village or borough corporation, for any cause or consideration whatever, in the same manner and to the same extent as if such debts, obligations and liabilities had been originally contracted or incurred by such city corporation. By the words "establishment of such city corporation" is meant the incorporation of said city and the organization of the city government of the same; and the officers elected or appointed in any village or borough embraced in the territory included in such city shall continue to exercise the powers conferred upon like officers in this state until the officers for the said city shall be elected and qualified.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1899.

CHAPTER 53.

H. F. No. 290.

Road and
bridge fund.

An act giving the board of county commissioners in all counties of this state having a population of two hundred thousand (200,000) inhabitants or over the exclusive control of the expenditures of all moneys appropriated by such boards out of the "general road and bridge fund" of such counties, and regulating the expenditure thereof by such boards.

Be it enacted by the Legislature of the State of Minnesota:

In counties of
200,000 people
county com-
missioners to
have full con-
trol of.

SECTION 1. That the board of county commissioners of all counties in this state, having a population of two hundred thousand (200,000) inhabitants or over, shall have the exclusive control of the expenditures of all moneys appropriated by such boards out of the "general road and bridge fund" of such counties, for the purpose of constructing or repairing or aiding in the construction or repair of roads and bridges, or either, in any town of such counties.